

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Robert Frene

v.

Case No. 16-cv-538-LM

State of New Hampshire

O R D E R

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated August 9, 2017, for the reasons set forth therein. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal.'" School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).

The petition for a writ of habeas corpus is hereby dismissed without prejudice (Document No. 1). Petitioner's motions for preliminary injunctive relief (document nos. 5, 12-16, and 18) are hereby denied as moot, without prejudice to his

ability to assert those claims in another action, as appropriate. Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases under Section 2254; First Cir. LR 22.0.

SO ORDERED.



Landya B. McCafferty
United States District Judge

Date: September 18, 2017

cc: Robert Frene, pro se